

E-Verify to be Mandatory for Federal Contractors

June 9, 2008

Under an amendment to Executive Order No. 12989, signed by President Bush on Friday, June 6 and announced by the White House this morning, federal contractors will have to use E-Verify to confirm that their employees are lawfully eligible to work.

In accordance with the Executive Order:

Sec. 5. (a) Executive departments and agencies that enter into contracts shall require, as a condition of each contract, that the contractor agree to use an electronic employment eligibility verification system designated by the Secretary of Homeland Security [E-Verify] to verify the employment eligibility of: (i) all persons hired during the contract term by the contractor to perform employment duties within the United States; and (ii) all persons assigned by the contractor to perform work within the United States on the Federal contract.

The following is a link to the full text of the Executive Order:

<http://www.whitehouse.gov/news/releases/2008/06/20080609-2.html>

What is E-Verify?

E-Verify is a web-based program operated by U.S. Citizenship and Immigration Services (USCIS) in partnership with the Social Security Administration. E-Verify aids employers in determining the employment eligibility of new hires by comparing information provided by the new employees on Form I-9 with database records.

How This Affects You

If you are a federal government contractor, or a subcontractor on a federal government project, you will be required to participate in E-Verify. The Executive Order leaves open a number of questions related to timing of implementation, whether it will apply to future or current contracts, and other details. We will continue to monitor the situation and to provide more information as it becomes available.

I-9 eSource Technology from Morgan Lewis

Morgan Lewis offers clients a hosted, web-based software product that ensures Form I-9 compliance and seamlessly interfaces with the E-Verify program. The following links will provide you with additional information about I-9 eSource:

Brochure: <http://www.morganlewis.com/pubs/I-9eSourceBrochure.pdf>

Description: <http://morganlewis.com/documents/I-9eSourceNarrativeBrochure.pdf>

If you have any questions about any of the issues raised in this Morgan Lewis Immigration Alert, please contact:

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